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ABSTRACT

This publication, intended to serve as a general guideline, presents responses to 20 questions on the specific roles and responsibilities of individual teachers when they are involved in reporting child abuse and neglect. The Legal Services section of each Department of Social Services in the 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands received and responded to a questionnaire. Responses to 19 of the survey questions are presented by state and territory. The responses to the 20th question is presented in the form of a chart listing the statute covering child abuse and neglect for each jurisdiction. Because of the lack of legal uniformity among the responses, the additional 11 survey questions are answered with summary statements at the conclusion of the report. (MLF)

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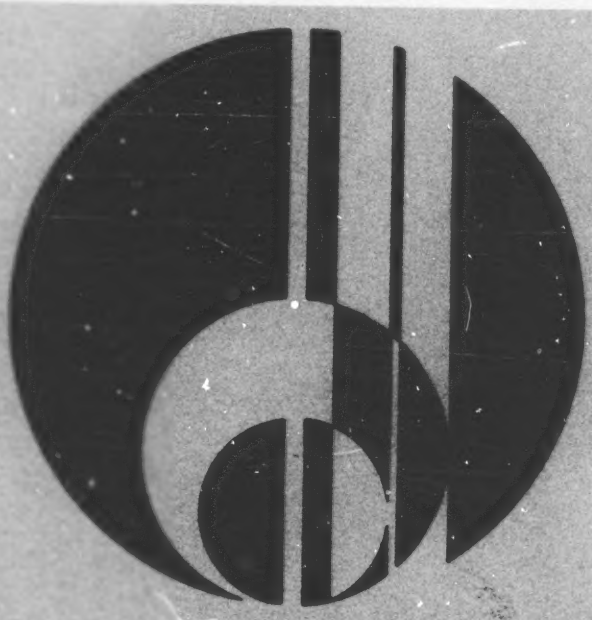
Cynthia Crosson Tower, Editor



A National Education Association Publication

Questions Teachers Ask About Legal Aspects of Reporting Child Abuse and Neglect

Cynthia Crosson Tower, Editor

EA 017 260

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The Editor

Cynthia Crosson Tower is Assistant Professor and Coordinator of the Human Services Program, Behavioral Science Department, at Fitchburg State College, Massachusetts. She is the author of *Child Abuse and Neglect: A Teacher's Handbook for Detection, Reporting, and Classroom Management* and *A Guide and Plan for Conducting Six Workshops on Child Abuse and Neglect*, both published by NEA. She is also the developer of 33 other components of the NEA Training Program on Child Abuse and Neglect.

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What Is the Nature and Purpose of This Material?

As a result of working with a large number of teachers, both in my classes with undergraduate and graduate students, as well as in numerous in-service training presentations to schools, I have found certain questions repeatedly asked. These questions center on the specific roles and responsibilities of individual teachers when they are involved in reporting child abuse and neglect.

The questions usually do not have simple answers since policies and laws vary widely between particular communities, certainly between states and even within counties of the same state. Therefore, this publication is intended to serve as a general guideline and will, I hope, encourage teachers to seek further specifics in the statutes of their own localities.

All the information in the following pages resulted from the circulation of a questionnaire to the 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands. In each instance the inquiry was addressed to the Legal Services section of each Department of Social Services, or other appropriate department.

Responses were received from all 55 sources. The information has been combined into *Questions Teachers Ask About Legal Aspects of Reporting Child Abuse and Neglect.*

The original questionnaire contained 30 questions. Responses to 19 of these questions provided sufficient commonalities for compilation into this report. The remaining 11 questions elicited such a divergence of information that it was deemed impractical to incorporate these responses into a publication of this size and format. I believe this was due to a combination of factors, not the least of which may have been a lack of clarity in the phrasing of specific questions.

For that reason general, summary statements of 11 questions are provided at the conclusion of this report. No effort has been made to identify responses by source for this group of questions; rather, the information is included to indicate the lack of legal uniformity in many areas.

To help teachers in their local settings with these, and other questions, the twentieth question of this report was added when the material was sent to reporting sources for verification. (Each source verified the accuracy of the information reported as of February/March 1984.) I hope the listing of the statute covering child abuse and neglect for each jurisdiction will encourage teachers to read and become familiar with the laws in their own communities.

—Cynthia Crosson Tower

Special Note

This material is presented solely for the purpose of exchanging information, not as a legal guide. Neither the editor nor the National Education Association assumes any liability for its content or the use thereof.

We urge all readers to contact local legal authorities for clarification and advice on any specific situation.

Questions 1–20 and Responses

1. Who, in a school setting, is legally mandated to report child abuse, neglect, or sexual abuse?

Responses:	*55*
No Response:	*0*

Legally Mandated Reporters in School Setting

Jurisdiction	Anyone	Teacher	Principal	Any School Administrator/ Personnel
Alabama		X		X
Alaska		X		X*
American Samoa	X			
Arizona				X
Arkansas		X	X	X
California		X	X	X
Colorado	X			
Connecticut	X			
Delaware	X			
District of Columbia				X
Florida	X			
Georgia		X	X	X
Guam		X	X	X
Hawaii	X			
Idaho	X			
Illinois				X*
Indiana	X			
Iowa				X*
Kansas				X
Kentucky	X			
Louisiana			X	X
Maine	X			
Maryland	X			
Massachusetts		X		X*

NOTE: Teachers are mandated reporters in all 50 states and the additional 5 jurisdictions covered by this report. "Anyone" appears in 25 responses for this chart. Teachers are, therefore, mandated reporters in those jurisdictions, as well as in those that specify "teacher" and "any school administrator/personnel."

*Alaska: School administrative staff
*Illinois: School personnel, truant officers, social workers
*Iowa: Certified school employees
*Massachusetts: Educational administrator, guidance counselor, psychologist

Jurisdiction	Anyone	Teacher	Principal	Any School Administrator/ Personnel
Michigan		X	X	X*
Minnesota	X			
Mississippi		X	X	
Missouri		X	X	X*
Montana		X	X	X
Nebraska	X			
Nevada		X	X	X*
New Hampshire	X			
New Jersey	X			
New Mexico	X			
New York				X*
North Carolina	X			
North Dakota		X	X	X
Ohio		X	X	X*
Oklahoma	X			
Oregon	X			
Pennsylvania		X	X	X
Puerto Rico	X			X
Rhode Island	X			
South Carolina		X		
South Dakota		X	X	X
Tennessee	X			
Texas	X			
Utah	X			
Vermont		X	X	X*
Virgin Islands		X	X	
Virginia		X	X	X
Washington				X*
West Virginia				X*
Wisconsin		X		X*
Wyoming	X			

*Michigan: School audiologist, certified social worker, social worker, social worker technician, school counselor
*Missouri: Any other school official
*Nevada: Every school authority and teacher
*New York: School officials, professional staff members
*Ohio: Any school teacher or school authority
*Vermont: Also librarian, guidance counselor, social worker
*Washington: Any professional school personnel
*West Virginia: Any school teacher or other school personnel
*Wisconsin: Teachers, nurses, counselors, administrators

2. What legal action can be taken against the educator who does not report?

Responses:	48
No Response:	7

Legal Action Against Nonreporting Educators

Jurisdiction*	Fine	Fine and/or Imprisonment	Misdemeanor	Other
Alabama		X	X	
Alaska			X	
Arizona		X		
Arkansas		X		
California		X[2]		
Colorado			X	
Connecticut				X[5]
Delaware		X		
District of Columbia		X		
Florida			X	
Georgia			X	
Guam			X	
Hawaii			X	
Idaho				X[6]
Indiana		X		
Iowa			X	
Kansas		X		
Kentucky		X		
Louisiana		X		
Maine	X			
Massachusetts	X			
Michigan				X[2]
Minnesota			X	
Missouri			X	
Montana				X[2]
Nebraska		X		

*Only those jurisdictions that responded to this question appear in this chart.

[1]First offense

[2]Civil liability for damages caused by failure to report

[3]Fine only

[4]Second offense

[5]Maximum fine of $500 for certain specified nonreporters. See the Connecticut General Statutes, Section 17-38a, for the complete list; school teacher, school principal, school guidance counselor, and registered or licensed practical nurse are among those specified.

[6]No penalty

Jurisdiction*	Fine	Fine and/or Imprisonment	Misdemeanor	Other
New Hampshire			X	
New Jersey		X		
New Mexico	X		X	
New York			X	
North Dakota			X	
Ohio			X	
Oklahoma			X	
Oregon	X			
Pennsylvania	X[1]		X[4]	
Puerto Rico		X[2]	X	
Rhode Island		X	X	X[2]
South Carolina		X	X	
South Dakota	X		X	
Tennessee			X	
Texas		X		
Utah			X	
Vermont	X			
Virgin Islands	X		X	
Virginia		X[3]		
Washington			X	
West Virginia		X		
Wisconsin		X		

*Only those jurisdictions that responded to this question appear in this chart.

[1]First offense

[2]Civil liability for damages caused by failure to report

[3]Fine only

[4]Second offense

3. **Under what age is a child protected by child abuse statutes?**

Responses:	*55*
No Response:	*0*

Forty-six states[1] plus Guam,[2] Puerto Rico, and the Virgin Islands reported 18 years.

One state, Nebraska, reported 16 years.

One state, Missouri, and American Samoa reported 17 years.

One state, Wyoming, reported 19 years.

District of Columbia and South Carolina reported 18 years and under.

[1]Ohio reported "as well as any crippled or otherwise physically or mentally handicapped child under 21."

[2]Guam reported "under the age of 18 unless physically or emotionally handicapped."

4. Under what circumstances must a teacher report child abuse?

Responses:	*55*
No Response:	*0*

Circumstances Requiring Teachers to Report

Jurisdiction	Suspicion	Reasonable Cause to Believe	Reasonable Cause to Suspect	Other
Alabama	X			
Alaska		X		
American Samoa		X		
Arizona				X*
Arkansas			X	
California			X	
Colorado	X	X	X	
Connecticut		X		
Delaware			X	
District of Columbia	X			
Florida	X	X	X	
Georgia		X		
Guam		X		
Hawaii	X			
Idaho		X		
Illinois		X		
Indiana		X		
Iowa		X		
Kansas			X*	
Kentucky		X		
Louisiana		X		
Maine			X	
Maryland	X			
Massachusetts		X		
Michigan			X	
Minnesota		X		
Mississippi		X		
Missouri			X	
Montana			X	
Nebraska		X		
Nevada	X			

*Arizona: Upon observation or examination it appears that nonaccidental injury has been sustained

*Kansas: Reason to suspect

Jurisdiction	Suspicion	Reasonable Cause to Believe	Reasonable Cause to Suspect	Other
New Hampshire	X			
New Jersey		X		
New Mexico	X			
New York	X			
North Carolina	X			
North Dakota	X			
Ohio	X			
Oklahoma		X		
Oregon		X		
Pennsylvania		X		
Puerto Rico	X			
Rhode Island				X*
South Carolina		X		
South Dakota	X			
Tennessee		X		
Texas		X		
Utah		X		
Vermont		X		
Virgin Islands		X		
Virginia	X			
Washington		X		
West Virginia			X	
Wisconsin			X	
Wyoming		X		

*Rhode Island: Reasonable cause to know or suspect

5. Does your state give teachers discretion NOT to report?

Responses:	*55*
No Response:	*0*

All states plus American Samoa, District of Columbia, Guam, Puerto Rico, and the Virgin Islands reported as follows:

NO

6. Does your state allow anonymous reports?

Responses:	*53*
No Response:	*2*

All states plus Guam and the Virgin Islands reported

YES

with these exceptions:

California:	Reports by school personnel in scope of employment must include the name of the person making them.
District of Columbia:	Not by persons who are required by law to make a report.
Georgia:	Question not addressed by statute.
Maine:	Not by persons who are required by law to make a report.
Massachusetts:	All mandated reporters are required to give the agencies their names, but anonymous reports are accepted.
Michigan:	No, but the name of the reporter is confidential.
Minnesota	No, but the name of the reporter is confidential.
New York:	Permits anonymous reporting, but those required to report cannot do so anonymously.
North Dakota:	Question not addressed by statute.
Wisconsin:	The statute does not address this issue specifically, but seems to contemplate that mandatory reporters will identify themselves.

7. **What type of immunity is a teacher given once the report is made in good faith and without maliciously false statements?**

Responses:	*55*
No Response:	*0*

Teacher Immunity

Jurisdiction	Court	Cannot Be Sued	No Civil or Criminal Liability	None
Alabama			X	
Alaska			X	
American Samoa				X
Arizona			X	
Arkansas			X	
California			X	
Colorado			X	
Connecticut			X	
Delaware			X	
District of Columbia		X	X	
Florida			X	
Georgia			X	
Guam	X		X	
Hawaii		X		
Idaho			X	
Illinois			X	
Indiana			X	
Iowa			X	
Kansas			X	
Kentucky	X		X	
Louisiana		X		
Maine			X	
Maryland			X	
Massachusetts			X	
Michigan		X	X	
Minnesota			X*	
Mississippi			X	
Missouri			X	
Montana			X	
Nebraska		X		

*Minnesota: Also from retaliation by employer

Jurisdiction	Court	Cannot Be Sued	No Civil or Criminal Liability	None
Nevada		X	X	
New Hampshire			X	
New Jersey			X	
New Mexico			X	
New York			X	
North Carolina			X	
North Dakota			X	
Ohio			X	
Oklahoma			X	
Oregon			X	
Pennsylvania			X	
Puerto Rico			X	
Rhode Island			X	
South Carolina			X	
South Dakota		X	X	
Tennessee		X		
Texas		X		
Utah	X			
Vermont			X*	
Virgin Islands		X		
Virginia		X		
Washington			X	
West Virginia			X	
Wisconsin			X	
Wyoming		X		

*Vermont: Libel or slander

8. If a child reports abuse, neglect, or sexual abuse to the teacher, does the teacher or the school have the right to detain that child on the premises until the report can be made?

Responses:	*45*
No Response:	*10*

YES	*NO*	*NOT ADDRESSED BY STATUTE*
American Samoa	Alabama	North Dakota
Indiana	Arizona	
Nebraska	Arkansas	
Tennessee	California	
Texas	Colorado	
Virgin Islands	Connecticut	
Wyoming	District of Columbia	
	Florida	
	Guam	
	Hawaii	
	Idaho	
	Illinois	
	Iowa	
	Kansas	
	Louisiana	
	Maine	
	Maryland	
	Massachusetts	
	Michigan	
	Missouri	
	Nevada	
	New Jersey	
	New Mexico	
	New York	
	North Carolina	
	Ohio	
	Oklahoma	
	Oregon	
	Puerto Rico	
	Rhode Island	
	South Carolina	
	South Dakota	
	Utah	
	Vermont	
	Virginia	
	Washington	
	West Virginia	

9. Does your state recognize a parent's right due to religious beliefs to withhold medical treatment?

Responses:	49
No Response:	6

YES		*NO*
Alabama	Massachusetts*	Montana
Alaska	Michigan	Nebraska
American Samoa	Minnesota	Puerto Rico
Arizona	Mississippi	South Carolina*
Arkansas	Missouri	Tennessee
California	Nevada	Washington
Colorado	New Hampshire	
Connecticut	New Jersey	
Delaware	North Dakota	
District of Columbia	Ohio	
Florida	Oklahoma	
Guam	Oregon	
Hawaii	Pennsylvania	
Idaho	Rhode Island	
Illinois	South Dakota	
Indiana	Texas	
Iowa	Utah	
Kansas	Vermont	
Kentucky*	Virginia	
Louisiana	West Virginia	
Maine	Wyoming	
Maryland		

NOTE: Policies and statutes vary widely on this issue. Consult your local authorities for the extent and limitations specified.

*Kentucky:	Does "not preclude a court from ordering that medical services be provided to the child, where his health requires it."
*Massachusetts:	Limited.
*South Carolina:	Recognizes nonmedical remedial health care.

10. To whom should a teacher report?

Responses:	*55*
No Response:	*0*

NOTE: Teachers should first consult their local school guidelines, when available. However, any school policy which indicates "no reporting" or "no involvement" does *not* supersede a mandatory reporting law.

Alabama:	County or State Department of Pensions and Security or law enforcement
Alaska:	Division of Family and Youth Services, Department of Health and Social Services, or any peace officer
American Samoa:	Attorney General or Child Abuse Center, Department of Health Services
Arizona:	Any law enforcement agency or child protective services
Arkansas:	The person in charge of the school or designated agent who is then responsible for making the report or causing the report to be made
California:	A county welfare department, a county probation officer, or a police or sheriff's department
Colorado:	County Department of Social Services
Connecticut:	Department of Children and Youth Services
Delaware	Delaware Division of Child Protective Services
District of Columbia:	Department of Human Services, Child and Family Services Division, Intake and Crisis Services Branch; Youth Division, Metropolitan Police Department
Florida:	State of Florida, Department of Health and Rehabilitative Services, Abuse Registry
Georgia:	Person in charge of school
Guam:	Child Protective Services, Department of Public Health and Social Services
Hawaii:	Principal, and then Department of Social Services
Idaho:	Law Enforcement, Idaho Department of Health and Welfare
Illinois:	Department of Children and Family Services
Indiana:	County Department of Public Welfare, Child Protective Services
Iowa:	Building administrator or designee
Kansas:	Kansas State Department of Social and Rehabilitation Services local offices
Kentucky:	The Department for Social Services, Cabinet for Human Resources
Louisiana:	Division of Evaluation and Services
Maine:	Department for Human Services
Maryland:	Local department of social services in the county in which the child resides, or abuse was alleged to occur, if different
Massachusetts:	Department of Social Services, or person in charge of school
Michigan:	Department of Social Services in the county where the child lives
Minnesota:	Police department, county sheriff, or local welfare agency
Mississippi:	Mississippi Department of Public Welfare
Missouri:	Missouri Division of Family Services
Montana:	County Welfare Department or State Department of Social and Rehabilitation Services

Nebraska:	Department of Social Services, toll-free number, Police Department
Nevada:	Nevada State Welfare, law enforcement or county agency authorized by the court to receive reports
New Hampshire:	Local office of the State Division for Children and Youth Services
New Jersey:	Division of Youth and Family Services and principal or designee
New Mexico:	District Attorney and Human Services Department
New York:	New York State Central Register
North Carolina:	County Department of Social Services where child resides or is found
North Dakota:	County Social Service Agency
Ohio:	The County Department of Welfare with Children Services, Children Services Board, or law enforcement
Oklahoma:	Department of Human Services, County Office
Oregon:	Children's Service Division and law enforcement
Pennsylvania:	Principal or designee
Puerto Rico:	Departmento de Servicios Sociales de Puerto Rico Registro Central
Rhode Island:	Rhode Island Department for Children and Their Families
South Carolina:	County Department of Social Services, or law enforcement in the county where the child resides
South Dakota:	Local state attorney, local law enforcement, or the Department of Social Services
Tennessee:	Department of Human Services, Juvenile Court, or law enforcement
Texas:	Texas Department of Human Resources and local law enforcement officials
Utah:	Utah Division of Family Services
Vermont:	Department of Social and Rehabilitation Services
Virgin Islands:	Department of Social Welfare, Juvenile Bureau, Department of Public Safety
Virginia:	Local Department of Social Services or statewide toll-free hotline
Washington:	Child Protective Services or law enforcement
West Virginia:	Local office of Department of Health and Human Services or toll-free hotline
Wisconsin:	County Department of Social Services or county sheriff or city police department
Wyoming:	Child Protective Agency or law enforcement

11. Can a report be made by telephone?

Responses:	*55*
No Response:	*0*

All sources responded **YES** to this question.

Toll-free telephone lines are provided for reporting by the following:

Arkansas:	1-800-482-5964
California:	Each county has a toll-free number
Connecticut:	1-800-842-2288
Delaware:	1-800-292-9582
Florida:	800-342-9152 (out of state 1-800-4-A-CHILD)
Idaho:	Each regional office has a toll-free number
Illinois:	800-252-2873
Indiana:	Each county has a toll-free number
Iowa:	1-800-362-2178
Kentucky:	1-800-752-6200
Louisiana:	1-800-LA-CARES
Maine:	1-800-452-1999
Massachusetts:	800-792-5200
Mississippi:	1-800-222-8000
Missouri:	1-800-392-3738
Montana:	1-800-332-6100
Nebraska:	800-652-1999
Nevada:	800-992-5757 (649-3611, Clark Co.; 323-6111, Washoe, Co.)
New Jersey:	800-792-8610
New Mexico:	800-432-6217
New York:	1-800-342-3720
Oklahoma:	1-800-522-3511
Pennsylvania:	800-932-0313
Puerto Rico:	800-724-1333
Rhode Island:	1-800-662-5100
Texas:	800-252-5400
Virginia:	1-800-552-7096
Washington:	1-800-562-5624
West Virginia:	1-800-352-6513

12. If a report is made verbally, must a written report be made?

Responses:	*55*
No Response:	*0*

YES	*NO*	*QUALIFIED*
Alabama	Alaska	Arizona
American Samoa	Arkansas	Delaware
California	District of Columbia	Georgia
Colorado	Florida	Illinois
Connecticut	Guam	Indiana
Hawaii	Idaho	Kansas
Iowa	Montana	Kentucky
Louisiana	New Hampshire	Maine
Maryland	New Jersey	Nebraska
Massachusetts*	North Carolina	Ohio
Michigan	Oklahoma	Rhode Island
Minnesota	Oregon	Washington
Mississippi	South Carolina	West Virginia
Missouri	South Dakota	Wisconsin
Nevada*	Tennessee	
New Mexico	Texas	
New York	Utah	
North Dakota	Virgin Islands	
Pennsylvania	Virginia	
Puerto Rico	Wyoming	
Vermont		

*Massachusetts: By mandated reporter

*Nevada: Unless the reporter wants to remain anonymous

13. **Is the social service agency reported to obligated to investigate all reports, if they meet the legal definitions of what is reportable?**

Responses:	*55*
No Response:	*0*

All sources responded **YES**, except:

Georgia:	No
Nebraska:	No

14. **Is a case automatically heard in court?**

Responses:	*54*
No Response:	*1*

The following sources responded **YES:**

American Samoa	Puerto Rico
Arizona*	South Carolina

*Arizona: Once a dependency petition is filed

All other sources (except Virgin Islands) responded **NO.**

15. **If a family will not cooperate, might a case go to court?**

Responses:	*53*
No Response:	*2*

All sources (excluding Alaska and Georgia) responded YES, often qualified by such words as "conditioned."

16. Does law or policy designate a time period during which a report must be investigated?

Responses:	*55*
No Response:	*0*

Sources answering YES designated a wide variety of time periods (ranging from immediately to two hours to thirty days). Teachers in those areas should consult local authorities for specific information.

YES		*NO*
Alabama	Montana	Connecticut
Alaska	Nevada	Georgia
American Samoa	New Hampshire	Kansas
Arizona	New Jersey	Nebraska
Arkansas	New Mexico	Oklahoma
California	New York	Puerto Rico
Colorado	North Carolina	
Delaware	North Dakota	
District of Columbia	Ohio	
Florida	Oregon	
Guam	Pennsylvania	
Hawaii	Rhode Island	
Idaho	South Carolina	
Illinois	South Dakota	
Indiana	Tennessee	
Iowa	Texas	
Kentucky	Utah	
Louisiana	Vermont	
Maine	Virgin Islands	
Maryland	Virginia	
Massachusetts	Washington	
Michigan	West Virginia	
Minnesota	Wisconsin	
Mississippi	Wyoming	
Missouri		

17. **Is the name of the reporter kept confidential?**

Responses:	54
No Response:	1

YES	*NO*	*QUALIFIED*
Alabama*	Georgia	Kansas
American Samoa		Kentucky
Arizona		Massachusetts
Arkansas		Michigan
California		New Jersey
Colorado		New Mexico
Connecticut		New York
Delaware		Vermont
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Wyoming		

*Alabama: Unless subpoenaed by the court

18. Are school contacts involved in an investigation?

Responses:	*55*
No Response:	*0*

The following sources responded **YES:**

Alabama
American Samoa
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Guam
Hawaii
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Dakota
Oklahoma
Oregon
Pennsylvania
Puerto Rico
Rhode Island
South Carolina
South Dakota
Tennessee
Utah
Vermont
Virgin Islands
Virginia
Washington
West Virginia
Wyoming

The following sources indicated various restrictions or diversity of policy on this question:

Alaska
Georgia
Idaho
Maine
North Carolina
Ohio
Texas
Wisconsin

Teachers should consult local authorities for further information.

19. **Is the social service agency with whom the report is filed required to advise the mandated reporter of results?**

Responses:	*54*
No Response:	*1*

YES	*NO*	*OTHER*
American Samoa	Alabama	Florida (not addressed)
Arkansas	Alaska	Iowa (on request)
California	Arizona	Minnesota (on request, except when not in child's best interest)
Hawaii	Colorado	Mississippi (not addressed)
Idaho (48 hours)	Connecticut	Nebraska (on request)
Illinois	Delaware	New York (on request)
Louisiana (at termination of investigation)	District of Columbia	Puerto Rico (on request)
Maryland	Georgia	South Dakota (shared, if necessary)
Massachusetts (60 days)	Guam (not mandated, but a matter of agency policy)	Vermont (by policy)
Missouri (45 days)	Indiana	
New Mexico	Kansas	
North Carolina	Kentucky	
Utah	Maine	
Virginia	Michigan	
Wisconsin	Montana	
	Nevada (cannot advise reporter)	
	New Hampshire	
	New Jersey	
	North Dakota	
	Ohio	
	Oklahoma	
	Pennsylvania	
	Rhode Island	
	South Carolina	
	Tennessee	
	Texas	
	Virgin Islands	
	Washington	
	West Virginia	
	Wyoming	

20. What statute in your state should a teacher consult for specific information on child abuse and neglect?

Responses:	*54*
No Response:	*1*

Alabama:	*Code of Alabama 1975*, Sections 26-14-1 through 26-14-13
Alaska:	Alaska Statutes, 47.17
Arizona:	Arizona Revised Statutes (A.R.S.), Sections 13-3620, 8-223, 8-546
Arkansas:	Arkansas Statutes, 42-807 through 42-818, as amended
California:	Penal Code, Sections 11165-11174
Colorado:	Colorado's Children Code, Article 10, 19-10-101, Child Protection Act of 1975
Connecticut:	The Connecticut General Statutes, Section 17-38a
Delaware:	Delaware Code, Section 1, Chapter 9, Title 16
District of Columbia:	Prevention of Child Abuse and Neglect Act, D.C. Code 16-2301, Chapter II, Sections 1351, 1352, 1357
Florida:	Section 415, Florida Statutes (previously Section 827.07 F.S.)
Georgia:	Georgia Code, 74-111
Guam:	P.L. 14-137, The Child Abuse Reporting Law
Hawaii:	HRS 30, Child Abuse; HRS 587, Child Protection Act
Idaho:	Idaho Code (Child Protective Act), 16-1600
Illinois:	The Abused and Neglected Child Reporting Act, Illinois Revised Statutes, Chapter 23, par. 2051 et seq. (1981). In February 1984 the 1983 volumes of the Illinois Revised Statutes were published.
Indiana:	Indiana Juvenile Code (IC 31-6)
Iowa:	Iowa Code, Chapter 232 (Sections 67 through 77); Iowa Code, Chapter 235A
Kansas:	The Kansas Code for Care of Children: K.S.A. 1983 Supp. 38-1501 through 38-1593
Kentucky:	KRS 199.335, KRS 199.011(6)
Louisiana:	Louisiana Revised Statutes, 14:403
Maine:	22 MRSA Sections 4001-4071 (Mandated Reporting, 22 MRSA Sec. 4011; Immunity from Liability, 22 MRSA Sec. 4014; Interview of Child and School, 22 MRSA Sec. 4021)
Maryland:	Family Law Article, Title 5—Children; Subtitle 7, Neglected Children; Subtitle 9, Child Abuse
Massachusetts:	Massachusetts General Laws, c.119, 5551A-51Q, DSS Regulations 110, C.M.R. 4.00
Michigan:	The Child Protection Law, Act No. 238 of 1975 (MCLA 722.591-722.594)
Minnesota:	Minnesota Statute 626.556
Mississippi:	Mississippi Code, Sections 43-21-353, 43-21-355
Missouri:	Child Abuse 210.110—210.165, Revised Statutes of Missouri (Cum. Supp. 1983)
Montana:	Section 41-3-101 et seq., Montana Codes Annotated
Nebraska:	28-710 R.R.S. 1943
Nevada:	NRS 200.501-200.509
New Hampshire:	RSA 169-C, The Child Protection Act
New Jersey:	N.J.S.A. 9: 6-1 et seq.; N.J.S.A. 30: 4C-1 et seq.
New Mexico:	Children's Code, Sections 32-1-1 through 32-1-53, N.M.S.A. 1978, as amended
New York:	Chapter 1039 of the Laws of New York, Title 6, Child Protective Services (copies available from New York State DSS, Division of Services, 40 N. Pearl Street, Albany NY 12243)

North Carolina:	North Carolina Juvenile Code, General Statutes, Chapter A, Article 41
North Dakota:	NDCC 50-25.1, Child Abuse and Neglect
Ohio:	Am. Sub. H B85, Section 2151.421 of the Ohio Revised Code. Also Sections 2919.22 and 2907 of the Ohio Revised Code for supplementary information
Oklahoma:	21 O.S. 1981, Section 845-847
Oregon:	Child Abuse Reporting, ORS 418.740-418.990
Pennsylvania:	The Child Protective Services Law found at 11 P.S. 2201 et seq.
Puerto Rico:	Ley Numero 75 de 28 de mayo de 1980, 8 laws of Puerto Rico Annotated, Sections 401-437, Chapter 23 (Child Protection)
Rhode Island:	Chapter 11, General Laws of Rhode Island
South Carolina:	South Carolina Code, 1976, as amended in 1983: Sections 20-7-110, 20-7-480, 20-7-490, 20-7-500, 20-7-510, 20-7-520, 20-7-530, 20-7-540, 20-7-550, 20-7-560, 20-7-610, 20-7-640, 20-7-650, 20-7-660, 20-7-670, 20-7-680, 20-7-690
South Dakota:	S.D.C.L. 26-8-6, 26-10-10, 26-10-12, 26-10-12.3, 26-10-14, 26-10-15
Tennessee:	Tennessee Code Annotated, Title 37, Chapter 12
Texas:	Chapter 34, Texas Family Code, V.T.C.S.
Utah:	Utah Code Annotated 58-3B-2, et seq.
Vermont:	33 VSA, Chapter 14
Virgin Islands:	Title V, Virgin Islands Code, Act No. 4855, Section 15-0151
Virginia:	Code of Virginia, Section 63.1-248.1, et seq.
Washington:	Revised Code of Washington: 26.44, 74.13, 13.34
West Virginia:	49-6A-2, Reporting; 49-6A-5, Reporting Procedures; 49-1-3, Neglected Child and Abused Child defined
Wisconsin:	Section 48.981, Wisconsin Statutes
Wyoming:	WS 14-3-201 through 215

11 Questions with Responses Lacking Legal Uniformity

The following 11 questions provided a multiplicity of responses. They are presented here without individual source identification as material for further study by teachers.

Teachers should review their state statute for clarification, not only for this group of questions but for all other areas concerning child abuse and neglect. In those instances where the statute does not address the concern, local authorities should be contacted for appropriate procedures.

1. **Can a teacher in your state legally take photographs of a child's bruises? Can anyone else in a school setting photograph? Are the photographs admissible in court?**

Yes	**(for all three parts):**	**22**
No	**(for all three parts):**	**14**

All yes responses indicated that the photographs were admissible in court only and if properly authenticated.

Individual responses included these qualifications: "Per district policy"; "Determined by judge"; "Only for the purpose of disseminating the photographs with the report"; "Only persons required to *investigate* can take photographs"; "Not addressed in statute"; "Taken only by caseworker, police, or hospital"; "Only in the presence of law enforcement officer or social worker"; "Depends on the child's privacy rights versus the school"; "Should be cleared with school attorney."

2. **Can anyone tape a child's own verbal report of how he/she was abused? Who may do this taping? Is this tape admissible in court?**

Yes	**(for all three parts):**	**16**
No	**(for all three parts):**	**5**

Individual responses included these comments: "Taping can be done only by prosecuting attorney"; "Can be taped in sexual abuse case only, but not by school personnel"; "Per district policy"; "Not addressed in statute"; "By law enforcement or health and welfare caseworker only"; "Not encouraged, but no prohibition"; "Department of Education policy is for teachers to report suspected incident(s) and let the investigative agency do any taping necessary"; "School social worker."

3. **By law, how long must a record be kept open by social service agency?**

The most common response was "No statutory provisions." Some individual responses included the following: "Permanent," "Until child's 28th birthday," "Up to 24 years," "5 years," "1 year."

4. **Does the teacher have recourse if the case is screened out or not investigated?**

The ambiguity of the question brought a myriad of responses that failed to provide a common pattern. However, approximately 50% of the responses indicated recourse was available, but was qualified and/or restricted by a large number of factors.

5. **Are child abuse, neglect, and sexual abuse reported to the law enforcement agency or district attorney?**

No clear pattern emerged from the responses. When this question was answered (by approximately 30% of the respondents), the answers appeared to be about equally divided, but with a wide range of qualifications.

6. **Are charges pressed against the abuser in criminal court?**

Yes:	**14**
No:	**0**

A sampling of responses indicated the following qualifications: "Sometimes"; "Can be, but not mandated"; "Sexual abuse only"; "Law enforcement decides"; "Depends upon the severity of the case"; "Not usually"; "Varies from county to county and prosecuting attorney."

7. **Does your state make formal use of a child protection team? If yes, are teachers and/or counselors included on the team?**

Yes	**(team):**	**26**
No	**(team):**	**12**

Within both yes and no responses, most sources qualified their answer by indicating that policy differed from county to county or district to district. Within the 26 yes responses, 4 sources reported school personnel were not included while the majority believed they were.

8. **What is court to determine: custody of child, incarceration of abuser, or both?**

Of the 41 responses to this question, 39 indicated custody of child and/or both. Two states stipulated incarceration. The 39 custody of child and/or both answers invariably qualified the response with such comments as "Placement, dependency, visitation"; "Distinction made by type of court"; "When separate criminal charge is filed"; "Determined by District Attorney."

9. **Is court closed hearing, open hearing, or judge's chambers? Are witnesses such as teachers used?**

Open Hearing:	**33**
Closed Hearing:	**8**
Variant:	**10**

Regardless of type of hearing, 49 responses indicated teachers might be used as witnesses. No response specified teachers would not be called, although distinctions were drawn between juvenile and criminal hearings; several sources stated the type of hearing is determined by the judge or by decision of the individual court; the reporter is usually not used as a witness; hearing determined by dependency or offense case.

10. Is treatment of family done by investigator, another social worker, or lawyer appointed by court?

An insufficient number of direct responses to this question was received to provide any type of general statement.

11. Is the investigator likely to contact teachers?

Yes:	**45**
No:	**2**

The yes responses were frequently qualified by such words as "possibly," "in some cases," "not prohibited," and "perhaps." One state indicated "The reporter usualiy remains anonymous"; another stated, "If teachers report, they must be contacted."